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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,080	08/04/2003	Thomas M. Tirpak	33692.02.2745	5254

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EXAMINER

MORRISON, JAY A

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/634,080	Applicant(s) TIRPAK ET AL.	
	Examiner Jay A. Morrison	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/4/03 & 11/7/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-27 are pending.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-24 and 27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1-24 and 27, the cited claims do not produce a tangible result.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's

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functionality to be realized, and is thus statutory. In addition, claims that do not in any way make tangible any results are also not statutory.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Keith (Patent Number 6,629,097).

As per claim 1, Keith teaches

“A data management system comprising:” (see abstract and background)

“a knowledge container creator module operative to create at least a first data descriptor item and at least a second data descriptor item based upon a raw data item” (entities and concepts, column 25, line 53 through column 26, line 19) “, capable of containing data representing raw data that is in one of a plurality of different formats” (myriad of data sources, column 18, lines 8-20) “, and to link the raw data item to at the least a first data descriptor item, and to link the raw data item to the at least a second

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data descriptor item" (entities and concepts, column 25, line 53 through column 26, line 19).

As per claim 2, Keith teaches

"the first data descriptor item is in the form of a context descriptor" (entity descriptions, column 44, lines 7-33),

"and wherein the second data descriptor item is in the form of at least one of the following: decision-support data descriptor, keyword descriptor and data access instructions descriptor" (associative terms, column 25, lines 53-60).

As per claim 3, Keith teaches

"A data management system comprising:" (see abstract and background)

"a knowledge container administrator module operative to modify a template descriptor item and operative to create knowledge transformation information by extrapolating data from a raw data item capable of containing data representing raw data" (column 25, line 53 through column 26, line 19) "that is in one of a plurality of different formats" (myriad of data sources, column 18, lines 8-20).

As per claim 4, Keith teaches

"the knowledge container administrator module is further operative to link the raw data item to the knowledge transformation information" (column 25, line 53 through column 26, line 19).

As per claim 5, Keith teaches

“A data management system comprising:” (see abstract and background)

“a knowledge container creator module operative to link “ (identify and store, column 25, lines 53-60) ” a raw data item that is in one of a plurality of different formats” (myriad of data sources, column 18, lines 8-20) “, to at least a first data descriptor item wherein the first data descriptor item is in the form of a context descriptor containing descriptive information about the raw data item “ (entity description, column 25, lines 48-52) ”, and wherein the knowledge container creator module is operative to link the raw data item to at least a second data descriptor item, wherein the second data descriptor item is in the form of at least one of: a decision-support data descriptor, containing decision-support information generated from the raw data item, a keyword descriptor, identifying keywords contained in the raw data item, and a data access instructions descriptor, providing instructions on how to access the raw data in the raw data item” (associative terms, column 25, line 53 through column 26, line 19);

“and a knowledge container searcher module operative to retrieve the raw data item by searching at least one of: the first and second data descriptor items” (column 44 lines 34-60).

As per claim 6, Keith teaches

“the knowledge container creator module is operative to generate the first data descriptor item based upon the raw data item” (entities, column 25, lines 53-60).

As per claim 7, Keith teaches

“a base knowledge container update module that is operative to generate the second data descriptor item based upon the raw data item” (concepts, column 25, lines 53-60).

As per claim 8, Keith teaches

“a base knowledge container update module that is operative to format the first and second data descriptor items in XML knowledge container format” (column 25, lines 40-47).

As per claim 9, Keith teaches

“a knowledge container administrator module operative to modify a template descriptor item, for creating the first data descriptor item and for searching the first and second data descriptor items, wherein the template descriptor item includes at least one of: template knowledge containers, for providing the inputs for entering the context descriptor, search template knowledge containers, for providing the inputs for searching the data descriptor items, and dictionary knowledge containers, for identifying keywords” (column 30, lines 58-65).

As per claim 10, Keith teaches

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“modifying template descriptor item includes at least one of: adding fields, removing fields, adding keywords and removing keywords” (column 44, lines 34-45).

As per claim 11, Keith teaches

“a knowledge container administrator module operative to create knowledge transformation information by extrapolating data from the raw data item and operative to link the raw data item to the knowledge transformation information” (column 20, lines 27-68).

As per claim 12, Keith teaches

“the knowledge container administrator module is operative to create a knowledge model using knowledge discovery techniques on the raw data item in the form of at least one of: decision trees, rule sets, neural networks and expression trees” (analyze relational structure, column 45, lines 12-21).

As per claim 13, Keith teaches

“a base knowledge container update module that is operative to format the raw data item into a specific XML knowledge container format” (column 25, lines 40-47).

As per claim 14, Keith teaches

“the base knowledge container update module generates a keyword descriptor by processing the raw data item” (associative terms, column 25, lines 53-60).

As per claim 15, Keith teaches

“a knowledge container database operative to store the raw data item, the first data descriptor item, and the second data descriptor item” (column 17, lines 20-50; column 18, lines 8-20).

As per claim 16, Keith teaches

“the base knowledge container comprises: a knowledge source depository containing the raw data item” (column 18, lines 8-20);

“and a metaknowledge depository containing the at least two data descriptor items associated with the raw data item” (column 44, lines 40-50).

As per claim 17, Keith teaches

“the base knowledge container further comprises a knowledge representation depository containing the knowledge transformation information generated from the raw data item” (matrices, column 25, line 53 through column 26, line 20).

As per claim 18, Keith teaches

“the knowledge transformation information is in the form of at least one of: knowledge model and summary report” (matrices, column 25, line 53 through column 26, line 20).

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As per claim 19, Keith teaches

“the knowledge model is in the form of at least one of: decision trees, rule sets, neural networks and expression trees” (analyze relational structure, column 45, lines 12-21).

As per claim 20, Keith teaches

“the first and second data descriptor items are in the form of at least one of the following: decision-support data descriptor, keyword descriptor, context descriptor and data access instructions descriptor” (entities and concepts, column 25, line 53 through column 26, line 19).

As per claim 21, Keith teaches

“the raw data item, the first descriptor item and the second descriptor item are stored in a XLM data blocks” (column 25, lines 40-47).

As per claim 22, Keith teaches

“the XML data blocks are defined by a data block definition with a form including at least one of: a table and a matrix” (column 25, lines 40-47).

As per claim 23, Keith teaches

“A method for processing data comprising:” (see abstract)

"creating at least a first data descriptor item and at least a second data descriptor item based upon a raw data item" (entities and concepts, column 25, line 53 through column 26, line 19) ", capable of containing data representing raw data that is in one of a plurality of different formats" (myriad of data sources, column 18, lines 8-20) ", linking the raw data item to at the least a first data descriptor item, and linking the raw data item to the at least a second data descriptor item" (column 25, lines 53-60).

As per claim 24, Keith teaches

"creating the first and second descriptor items based upon the raw data item" (entities and concepts, column 25, line 53 through column 26, line 19).

As per claim 25, Keith teaches

A computer readable medium containing programming instructions for processing data, the computer readable medium including programming instructions for:" (see abstract and background)

"linking a raw data item, capable of containing data representing raw data stored that is in one of a plurality of different formats" (myriad of data sources, column 18, lines 8-20) ", to at least a first data descriptor item wherein the first data descriptor item is in the form of a context descriptor, containing descriptive information about the raw data item, linking the raw data item to at least a second data descriptor item, wherein the second data descriptor item is in the form of at least one of: an decision-support data descriptor, containing a decision-support information generated from the raw data, a

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keyword descriptor, identifying keywords contained in the raw data item, and a data access instructions descriptor, providing instructions on how to access the raw data in the raw data item" (entities and concepts, column 25, line 53 through column 26, line 19);

"and locating the raw data item by searching at least one of: the first and second data descriptor items" (column 44 lines 34-60).

As per claim 26, Keith teaches

"generating knowledge transformation information by extrapolating data from the raw data item" (matrices, column 25, line 53 through column 26, line 20);

"and creating the first and second data descriptor items based upon the raw data item" (entities and concepts, column 25, line 53 through column 26, line 19).

As per claim 27, Keith teaches

"A data management system comprising:" (see abstract and background)

"a knowledge container creator module operative to create at least a first data descriptor item and at least a second data descriptor item based upon the raw data item" (entities and concepts, column 25, line 53 through column 26, line 19) ", capable of containing data representing raw data that is in one of a plurality of different formats" (myriad of data sources, column 18, lines 8-20) ", and to link a raw data item to at the least a first data descriptor item, and the knowledge container creator module operative to link the raw data item to the at least a second data descriptor item" (column 25, line

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53 through column 26, line 20) “, wherein the second data descriptor item is in the form of at least one of: a decision-support data descriptor, containing a decision-support information generated from the raw data; a keyword descriptor, identifying keywords contained in the raw data item, and a data access instructions descriptor, providing instructions on how to access the raw data in the raw data item” (column 44, lines 7-33);

“and a knowledge container searcher module operative to retrieve the raw data item by searching at least one of: the first and second data descriptor items” (column 44 lines 34-60);

“a knowledge container administrator module operative to modify template descriptor item for creating the first data descriptor item and for searching the first and second data descriptor items, wherein the template descriptor item includes at least one of: template knowledge containers, for providing the inputs for entering the context descriptor, search template knowledge containers, for providing the inputs for searching the data descriptor items, and dictionary knowledge containers, for identifying keywords” (column 55, line 34 through column 45 line 11) “, and the knowledge container administrator module operative to create knowledge transformation information by extrapolating data from the raw data item and operative to link the raw data item to the knowledge transformation information” (matrices, column 25, line 53 through column 26, line 20);

“and a base knowledge container update module operative to format the raw data item into an XML knowledge container format” (column 25, lines 40-47) “, and to

generate a keyword descriptor by processing the raw data item" (column 25, lines 53-60);

"a knowledge container database operative to store the raw data item, the first descriptor item and the second descriptor item and the knowledge container database further having: a knowledge source depository containing the raw data item" (column 17, lines 20-50; column 18, lines 8-20);

"a metaknowledge depository containing the data descriptor item associated with the raw data item" (column 44, lines 40-55);

"and a knowledge representation depository containing the knowledge transformation information generated from the raw data item" (matrices, column 25, line 53 through column 26, line 20).

Conclusion

7. The prior art made of record, listed on form PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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